

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

JOE E. DAVIS,

Plaintiff,

v.

Civil Action No. 2:08-1101

MICHAEL J. ASTRUE,

Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

The court having received the proposed findings and recommendation of United States Magistrate Judge Mary E. Stanley, entered on May 20, 2010; and the magistrate judge having recommended that the court reverse the final decision of the Commissioner and remand this case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g) and dismiss this matter from the court's docket; and no objection having been received, it is ORDERED:

1. That the findings made in the proposed findings and recommendation of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein;
2. That the decision of the Commissioner be, and it hereby

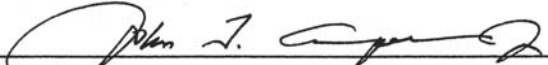
is, reversed and remanded for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g);

3. That, as a part of the proceedings on remand, the ALJ conduct a thorough evaluation of plaintiff's mental impairments in compliance with 20 C.F.R. § 404.1520a and comply with 20 C.F.R. § 404.1529(b) and Social Security Ruling 96-7p; and

4. That this action be, and it hereby is, dismissed and stricken from the docket.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

DATED: June 16, 2010

  
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John T. Copenhagen, Jr.  
United States District Judge